

Shanties in the Skyline

Addressing Unauthorized Building Works in Hong Kong

Epilogue

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The Building Safety Task Force aimed to tackle unauthorized building works (UBWs) as part of its mandate to establish a new “culture of building care” in Hong Kong. In conjunction with the Buildings Department (“Department”), it enacted a number of rapid changes in enforcement and regulation, and proposed a wide range of other responses to the UBW problem.

In June 2000, Hong Kong’s Legislative Council amended the Building Management Ordinance to mandate the formation of owners’ corporations in all “problematic buildings,” and to make it easier to form such corporations generally. Once formed, the corporations would be required to purchase liability insurance and empowered to charge individual owners for building improvements.

At the same time, the Department piloted an enforcement approach it called the “Coordinated Maintenance of Building Scheme.” This new approach reflected a new internal organization that combined the Specialists Division and the Control and Enforcement Division. This made it possible for one team to be assigned to one building (often called a “block”) and one “coordinator” to be the point of contact with owners. The Department then began what it called a “building blitz” approach, targeting 150 of Hong Kong’s worst buildings in a series of high-profile crackdowns. It found that targeting whole buildings, as well as neighboring blocks in specific districts (with guidance from district councils), boosted owners’ compliance with removal and improvement orders from 30 to 80 percent. In the first year of the blitz, the number of demolished UBWs increased from 3,000 to 14,000. Director Leung himself appeared at some crackdown sites for the benefit of television reporters, hoping that publicity and visible action would instill some fear in other residents and owners with UBWs on property that they might be next.

The task force proposed one intervention that involved what might be called retrospective legalization of UBWs. “Authorized persons” outside the Department would be designated to inspect questionable structures and vouch for their structural safety. Buildings officials, however, objected strongly to this idea because, “It touches on the very fundamental principle of building control. . . . [F]or any building work, safety can only be assured when it's designed by a professional; the design is checked by the building controller before it's erected; and . . . [construction] is supervised properly . . . in accordance

with the design; and when, upon completion, it's certified by professionals to be safe. We do not believe in a completed building being capable of being certified retrospectively to be safe by somebody else who was not involved in construction or in design or in supervision.”¹

The Department also opposed an idea floated by the task force to cut off power to illegal rooftop structures. Task force director Helen Yu, however, asserted that cutting electricity to occupied structures was never considered; it was only intended for vacant structures to prevent re-occupation before they could be demolished.

Both the task force and the Department strongly supported a change in the use of the Department's widely ignored advisory letters. It was proposed that such letters be entered as an encumbrance on a property's lease record, thus notifying prospective buyers of “a black mark on the record that could potentially be a problem,” as Yu put it. In addition, the task force supported a Department proposal to adopt an information-based approach to improving buildings' structural integrity without the use of penalties. “Professional and concerned bodies” would classify buildings according to “Buildings Department safety benchmarks,” and the ratings would be publicized for both prospective buyers and tenants. The task force also proposed that the terms of the building and fire safety loan funds be relaxed and simplified: The two funds were to be merged, the interest rate on loans would be reduced to zero, and the repayment period was extended from thirty-six to seventy-two months.

The task force and the Department also mutually supported the establishment of a “minor works” permit—an idea first considered in 1988—that would reduce the requirements for ubiquitous but unauthorized structures like small balconies (for flowers) and air-conditioner covers. In tandem with this proposal, the Department would establish a pre-qualified list of minor works contractors to address concerns about quality and safety. “Instead of the architects who charge a lot,” Leung explained, “we envision that these minor works people will do the job without getting approval from this department. We'll register them. We'll accredit them, and make sure they have the necessary competence. There will be some control because if they misbehave, they will lose the minor works license.”

By mid-2001, the most tangible results of the renewed interest in addressing the UBW problem came from the Coordinated Maintenance of Buildings Scheme. Leung believed it was possible for the Department to significantly increase the number of cleared or certified safe UBWs. He set a goal to increase the yearly clearance rate from 14,000 to 30,000 and the number of buildings targeted through the blitz approach from 150 to 900 and then to 1000. To help in achieving that goal, the Department—which had not received a significant infusion of new resources in many years, notwithstanding its perennial complaint about under-funding—convinced the government to propose a 34 percent increase in its budget.

Once structures were cleared, CM Leung hoped against hope they would not reappear, pledging: “We will do intensive surveillance to make sure that there will not be any re-erection of illegal structures in the same spot.”

Endnotes

¹ All persons and documents quoted in this case from “Law Enforcement and Unauthorized Building Works: Epilogue: For a Culture of Building Care” by Howard Husock (Cambridge, MA: The President and Fellows of Harvard College, 2001).